

There were cast for Lieutenant Governor:

	Votes
Coke R. Stevenson.....	462,597
Cecil Robinett	1,023

Two hundred fifty-two counties reporting.

All of which is respectfully submitted.

BROWNLEE,
Chairman;

MOORE,
ROBERTS,
MARTIN,
HARDIN,

On the part of the Senate.

HARRIS,
Chairman;

HARRELL
of Bastrop,

KERN,
DERDEN,

On the part of the House.

Whereupon, Hon. Homer Leonard made the following announcement:

"Hon. W. Lee O'Daniel, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Governor of the State of Texas for the ensuing term of two years; and Hon. Coke R. Stevenson, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and Laws of the State of Texas, declare him duly, legally and constitutionally elected Lieutenant Governor of the State of Texas for the ensuing term of two years."

The business of the joint session having been concluded, the President requested the Senators to proceed in a body to the Senate Chamber.

In the Senate

The President called the Senate to order at 5:00 o'clock p. m.

Senate Bill on First Reading

By unanimous consent, the following Senate bill, at this time, was introduced, read first time, and referred by the President to the Committee on Mining, Irrigation and Drainage:

By Senator Small:

S. B. No. 32, A bill to be entitled "An Act directing the Railroad Commission of Texas to inquire into the

production of natural gas to determine whether or not waste or drainage is taking place; directing the Commission to prorate gas production when either waste or drainage is found to exist; defining certain terms; providing for the promulgation of rules and regulations; directing the Commission to limit the production of gas to an amount to supply statutory purposes; and declaring an emergency."

Message From the Governor

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas,
January 12, 1939.

To the Members of the Forty-sixth Legislature:

I hereby submit to you for emergency action a bill by Gordon and Colson, et al, to amend Article 1901, of the Revised Civil Statutes of Texas, pertaining to the custody and care of records.

The purpose of this bill will be explained to you by its sponsors, but it is imperative that it be promptly passed.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

Adjournment

On motion of Senator Beck, the Senate, at 5:05 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, January 16, 1939.

FOURTH DAY

(Monday, January 16, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Burns	Metcalfe
Collie	Moffett
Graves	Moore
Hardin	Nelson
Hill	Pace
Isbell	Redditt

Roberts	Stone
Shivers	of Washington
Small	Sulak
Spears	Van Zandt
Stone	Weinert
of Galveston	Winfield

Absent—Excused

Cotten	Martin
Head	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Lanning and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 12, 1939, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Cotten was granted leave of absence for today and tomorrow, on account of illness, on motion of Senator Van Zandt.

Senator Head was granted leave of absence for today and the remainder of the week, on account of important official business, on motion of Senator Collie.

Senator Martin was granted leave of absence for today on account of important business, on motion of Senator Shivers.

Appointment Announced

Pursuant to S. R. No. 9, the President announced the appointment of Senator Head as the delegate to attend the Fourth General Assembly of the Council of State Governments, to be held in Washington, D. C., January 18, 19 and 20, 1939.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
January 10, 1939.

Hon. Walter Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 18, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred and Fifty Thousand Dollars, etc., and declaring an emergency."

H. C. R. No. 5, Deploring the passing of John L. Darrouzet.

H. C. R. No. 6, Reserving a suitable area for parking cars owned by members of the Legislature and newspaper correspondents.

H. C. R. No. 9, Providing for a joint session to inaugurate the Governor and Lieutenant Governor.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Senate Bills on First Reading

The following Senate bills were introduced, read severally first time, and referred by the President to the committees indicated:

By Senator Redditt:

S. B. No. 33, A bill to be entitled "An Act to require all purchasers of trees and timber, or either of them, in the form of logs, staves, shingles, pulp wood, or any of them to obtain a bill of sale therefor from the seller, providing what shall be contained in such bill of sale; providing penalties for violation of this Act, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Redditt:

S. B. No. 34, A bill to be entitled "An Act to amend Article 1379 of the Penal Code of the State of Texas, so as to increase the penalty from a fine of not less than ten nor more than five hundred dollars, to confinement in the penitentiary for not less than one nor more than five years, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Nelson:

S. B. No. 35, A bill to be entitled "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated for the operation, support and maintenance, including salaries of the officers and employees, of the Big Spring State Hospital, Big Spring, Texas, until Sept. 1, 1939; for equipment and installation of same in the

seven buildings and the power plant of said Hospital; for the construction of a laundry and mattress factory and equipment therefor; for miscellaneous equipment and ground and other improvements for said Hospital; and declaring an emergency."

Referred to Committee on Finance.

By Senator Roberts:

S. B. No. 36, A bill to be entitled "An Act creating and establishing the State Board of Public Welfare; Providing for its members to furnish bond; setting the compensation for each member; providing for the selection of an Executive Director; fixing the compensation and specifying the duties of the director; providing for the creation of the divisions of the State Department of Public Welfare; providing for assistance to the needy blind; providing for assistance to needy dependent children; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Spears:

S. B. No. 37, A bill to be entitled "An Act to amend Article 2135 of the Revised Civil Statutes of Texas, exempting certain persons and classes of persons from Jury Service, by exempting from Jury Service, all Civil Service employees of the Federal Government, when engaged in the regular and actual discharge of their duties, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Burns:

S. B. No. 38, A bill to be entitled "An Act to amend Article 4553, Chapter Ten (10), Title Seventy-one (71) of the Revised Civil Statutes of Texas, 1925, as amended by Section One (1) of Chapter Seven (7), Acts of First Called Session, Forty-second Legislature, and Articles 4555, 4556, 4557, 4558, 4559, 4563, 4565, 4565a, 4565b, of Chapter Ten (10), Title Seventy-one (71) of the Revised Civil Statutes of Texas, 1925, and Chapter Five (5), Title Twelve (12) of the Penal Code of Texas, 1925, by adding thereto Article 738a, and Article 737, Chapter Five (5), Title Twelve (12) of the Penal Code of Texas, 1925; so as to provide for a State Board of Examiners in Optometry, qualifications for and methods of filling vacancies on said Board; providing for election of officers and meetings of

the Board; prescribing powers and duties of the Board; requiring all persons desiring to practice optometry in Texas to pass examination; providing subjects for and method of giving examinations; providing grounds for refusal of and cancellation of any license; prescribing examination fee; prescribing renewal license fee and method of obtaining duplicate licenses; defining terms; specifying acts and constitutional penal offenses and providing a penalty; repealing Article 4560, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, and all laws or parts of laws in conflict with the provisions of this Act; declaring the rule that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof; and, declaring an emergency.

Referred to Committee on State Affairs.

By Senator Spears:

S. B. No. 39, A bill to be entitled "An Act to amend an Act of the Legislature passed in 1905, entitled 'Owners May Weigh & Etc.' Pertaining to Public Weighers and other acts of the Legislature pertaining to the office of Public Weigher, and other persons engaged in weighing for the public, and repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Labor.

By Senator Spears:

S. B. No. 40, A bill to be entitled "An Act to protect trade mark owners, distributors and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade mark, brand or name, and to facilitate fair trade, defining certain terms, and declaring an emergency."

Referred to Committee on Commerce and Manufacturing.

By Senator Head:

S. B. No. 41, A bill to be entitled "An Act to facilitate the cooperation of this State with other units of government, determining the membership of the Board, and establishing the Texas Commission on Interstate Cooperation; describing the functions and operations of said Commission; providing for the establishment of delegations and committees; pro-

viding for reports, and declaring an emergency."

Referred to Committee on Interstate Co-operation.

By Senator Winfield:

S. B. No. 42, A bill to be entitled "An Act to amend Article 554 of the Penal Code of the State of Texas, relating loan limits, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Senator Small:

S. B. No. 43, A bill to be entitled "An Act creating a special road law for Potter County, Texas, providing that said County may fund or refund designated interest-bearing time warrants in an amount not exceeding \$42,000.00 outstanding against its Road and Bridge Fund as of January 1, 1939, by the issuance of funding bonds and setting forth the method of issuing same; validating all acts of the Commissioners' Court and of the county officials of said County in authorizing, levying taxes to pay principal and interest thereon and in issuing and delivering said warrants; prescribing the duties of the Attorney General and of the Comptroller of Public Accounts in reference to the bonds authorized herein; providing that the General Laws pertaining to roads and bridges shall be applicable to said County when not in conflict with the provisions hereof; providing that the provisions of this law shall take precedence over all laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Senator Collie:

S. B. No. 44, A bill to be entitled "An Act making an appropriation of \$2,500.00, or so much thereof as may be necessary, to pay a certain judgment rendered on June 16, A. D. 1934, in the 126th District Court of Travis County, Texas, in Cause No. 52,100, wherein Abilene Plumbing Supply Company, Inc. (a corporation), is plaintiff and the State of Texas and the Board of Control of the State of Texas are defendants (the cause being captioned Standard Manufacturing Company vs. Franklin Bros.), for the principal sum of \$1,861.20, with

interest at the legal rate of six per cent (6%) per annum from the date of said judgment until paid, and all costs of suit, of which costs there is a balance due of \$64.95, which judgment was affirmed by the Court of Civil Appeals for the Third Supreme Judicial District of Texas and a writ of error dismissed by the Supreme Court, so that said judgment is now a final judgment for the full amount thereof principal, interest and costs against the State of Texas and the Board of Control and a valid judgment obligation of record, and declaring an emergency."

Referred to Committee on Finance.

By Senator Spears:

S. B. No. 45, A bill to be entitled "An Act regulating the election of judges and clerks and the appointment of supervisors, prescribing their number and rates of pay and the duties of supervisors in all elections for the election of officers in all cities in this State having a population in excess of 200,000 and less than 260,000 by the last preceding Federal census, providing for its enforcement, defining a local political party, providing for partial invalidity, repealing all the portions of laws, charter provisions and ordinances in conflict therewith, and declaring an emergency."

Referred to Committee on Privileges and Elections.

By Senator Roberts:

S. B. No. 46, A bill to be entitled "An Act creating and establishing Jackson County Road District No. Ten in Jackson County, Texas, under Article III, Section 52 of the Constitution for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds vote of the qualified electors who own taxable property in said district and who have duly rendered the same for taxation voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of

said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that portions of the district hereby created are also included in other road districts having outstanding bonds shall not affect the district hereby created or its powers hereby granted; and providing that liability of territory included in this district and other road districts which have issued bonds shall not be affected and for the levy, assessment and collection of taxes on said territory for said bonds; and providing that this Act shall not validate said bonds nor be construed as authorizing the creation of indebtedness in excess of the limit established by Article III, Section 52; determining that all of the lands in said district will be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other general or special law; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Senator Moore:

S. B. No. 47, A bill to be entitled "An Act validating the creation of and certain proceedings, notices and orders relative to the creation of and issuance of bonds by Harris County Drainage District No. 14, and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

Senate Joint Resolutions on First Reading

The following Senate joint resolutions were introduced, read first time, and referred to the Committee on Constitutional Amendments:

By Senator Moore:

S. J. R. No. 6, Proposing an amendment to the Constitution to the State of Texas amending Section 26 of Article IV so as to provide that notaries public be appointed by the Secretary of State of the State of Texas; providing for the submission of this amendment to the voters of this

State; and providing for the necessary appropriation to defray necessary expenses for the submission of this amendment.

By Senator Hill:

S. J. R. No. 7, Proposing to amend the Constitution of the State of Texas by adding to Section 4, Article IV of the Constitution, a provision which will require certain State officials to resign from office in order to become eligible as a candidate for Governor of Texas; providing for the holding of an election; prescribing the form of ballot; directing the Governor to issue the necessary proclamation; and making an appropriation.

Senate Resolution 10

Senator Redditt offered the following resolution:

Whereas, Since the election of Senator Gordon Burns to the Senate of Texas, Senator Burns and his good wife, Louise Burns, have become the proud parents of Mary Lou Burns, who, according to reports from Walker County, is one of the finest babies ever born in said County, which said reports are in all things confirmed by Senator and Mrs. Burns, and the grandparents of Mary Lou Burns; now, therefore,

Be It Resolved by the Senate of Texas, That Mary Lou Burns be, and she is hereby, named the official mascot of the Senate of Texas of the Forty-sixth Legislature, Regular Session.

Be It Further Resolved, That Miss Mary Lou Burns be invited to appear in person and be presented to the Senate in accordance with the ancient usages and customs of the Senate of Texas.

Be It Further Resolved, That a copy of this resolution be furnished the parents and grandparents of the said Mary Lou Burns.

The resolution was read.

On motion of Senator Redditt, and by unanimous consent, the resolution was considered at this time and was adopted.

Senate Concurrent Resolution 3

Senator Brownlee offered the following resolution:

Be It Resolved by the Senate, the House of Representatives concurring,

That the Rev. M. E. Sadler, Pastor of the Central Christian Church of Austin be invited to deliver the invocation at the joint session of the Legislature to be held Tuesday, January 17, 1939, for the purpose of inaugurating the Governor-elect and the Lieutenant Governor-elect.

The resolution was read.

On motion of Senator Brownlee, and by unanimous consent, the resolution was considered at this time and was adopted.

Senate Resolution 12

Senator Roberts offered the following resolution:

Whereas, It has been clearly demonstrated throughout the Lone Star State of Texas during the past year that the people of the State are more determined than ever to have more economy in the administration of their government; and

Whereas, In many instances candidates for public offices make elaborate promises to the people about reducing the costs of operating the government, but after they are elected often times these promises give way to other things and the people find that their wishes are not carried out; and

Whereas, The Legislature is now assembled at the seat of government in Regular Session with one of the greatest opportunities to render constructive services to over six million people of a great commonwealth, and by carrying out the wishes of the people by giving them more economy in government, the Legislature would be rendering a true and appreciated service; and

Whereas, The Legislature should have the cooperation of the various departments of government in carrying out a constructive economical program; and

Whereas, The Press has recently chronicled the achievement of the Texas Railroad Commission which is that they have voluntarily reduced the expenses of that great department of our government, thereby giving the people it serves a great saving and at the same time not crippling the efficiency of the department; and

Whereas, This action on the part of the Railroad Commission is one that will be appreciated by Texas people and displays a fine spirit of cooperation with the Legislature in working out a program of economy; and

Whereas, This action of the Railroad Commission sets a splendid example for other departments to follow; now, therefore, be it

Resolved by the Senate of Texas, That the Texas Railroad Commission be heartily congratulated on the action it has taken and that this resolution be an expression of appreciation for this cooperation with the Legislature in reducing the costs of government; and be it further

Resolved, That the Senate of Texas commends this action to the consideration of all the other departments of state; and be it further

Resolved, That copies of this resolution be sent to the three gentlemen of the Texas Railroad Commission, namely, the Honorable Lon A. Smith, Chairman; the Honorable E. O. Thompson, member, and the Honorable G. A. Sadler, member.

The resolution was read.

On motion of Senator Roberts and by unanimous consent, the resolution was considered at this time and was adopted.

Address by President Woodul

President Woodul addressed the Senate, thanking the Senators for courtesies extended him and Mrs. Woodul during the time he has been in the public service.

Messages from the Governor

The President laid before the Senate the following messages from the Governor:

Austin, Texas,
January 16, 1939.

To the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Presiding Judge of the 5th Administrative District:

Judge L. Broeter, of Alice, Jim Wells County, to succeed Judge A. M. Kent, whose term as District Judge has expired.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

Austin, Texas,
January 16, 1939.

To the Members of the Forty-sixth Legislature:

For emergency action I respectfully submit herewith for your considera-

tion and approval a bill for an Act ratifying the Rio Grande Compact, signed at Santa Fe, New Mexico, on March 18, 1938, by commissioners for the States of Colorado, New Mexico, and Texas, and for the United States.

This compact is the fruit of over ten years of negotiations, and has directly or indirectly entailed an expense of over a half million dollars, the greater part of which was borne by the United States in an effort to bring to an end a controversy of more than forty years' standing between the three States over the waters of the Rio Grande. When ratified by the Legislatures of the three States and approved by the Congress of the United States, it will, in my judgment, have composed some forty years of differences between these States, and will have brought to an end the suit pending in the Supreme Court of the United States between Texas and New Mexico over the waters of this river. This litigation has already cost the State and citizens of the State over \$100,000.00.

Ratification of this compact will likewise, I believe, pave the way for treaty negotiations between the United States and Mexico over the waters of the Rio Grande from Fort Quitman to the Gulf.

The Compact represents the equitable apportionment of the waters of the Rio Grande above Fort Quitman among the three States; and I respectfully recommend its prompt ratification.

In this connection, permit me to direct your attention to the fact that only \$1,000.00 was appropriated for the salary and expenses of the Rio Grande Compact Commissioner for the fiscal year ending August 31, 1939, and this sum has already been necessarily expended. I therefore recommend an additional, emergency appropriation of \$5,000.00 for the salary and expenses of the Commissioner, and for the purpose of putting into effect the machinery of the Compact, for the balance of the fiscal year.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

The messages were read, and the message submitting the nomination of Judge Broeter was referred to the Committee on Nominations of the Governor.

House Concurrent Resolution 9

The President laid before the Senate:

H. C. R. No. 9, Providing for a joint session of the House and Senate at 9:15 o'clock a. m. January 17, 1939, to inaugurate the Governor-elect and Lieutenant Governor-elect.

The resolution was read and by unanimous consent, it was considered at this time and was adopted.

House Concurrent Resolution 6

The following resolution, received from the House today, was laid before the Senate, read by the Secretary, and referred by the President to the Committee on State Affairs:

H. C. R. No. 6, Requesting Board of Control to designate space in the Capitol grounds for parking cars of Members of the Legislature and newspaper representatives.

Address by Senator Small

Senator Small was recognized to "speak on the state of the Union."

He then addressed the Senate as follows:

"Members of the Senate: Ten years ago, I came to the Senate of Texas, and on my arrival here, I met a young man who was full of enthusiasm and energy, and who was animated by high purposes and patriotic ideas. This young man was Walter Woodul, who had just been elected to the Senate from Harris County. The earnestness with which he approached the duties of his office stamped him as one to be reckoned with on the floor of the Senate, and as one who would make a lasting imprint in Legislative annals of Texas. To my great pleasure, I served with him in the Senate for six years, and for the past four years, he has presided over the Senate as Lieutenant Governor. It is with genuine sorrow and regret that we realize that tomorrow is his last day to serve as Lieutenant Governor, and as one who has fought by his side for the past decade, I wish to say something of the high esteem in which he has been held by his colleagues and by all the people of the State of Texas.

"In my opinion, Governor Woodul had the hardest District in the State to represent as Senator. Coming from

Houston, the hub of industrial activity and the source from which many big enterprises emanate, he was called upon to handle a great deal of important legislation. To the older Members of the Senate, it is useless for me to say that this legislation was handled in a statesman-like manner, and that while serving his own District, he also was mindful of the fact that he was State Senator, and that he owed an obligation to the remotest precincts of Texas. The keen and accurate sense in which he interpreted this obligation caused him to be of lasting benefit to every section of the State. When he ceased to be Senator, we lost a fine colleague, a safe counsellor, and congenial associate, who made difficult tasks appear easy and who turned tedious service into a pleasure. His views on legislation were as broad as the plains of Texas, and his conduct on the floor of the Senate was aggressive and energetic, yet tempered with that sense of fairness that radiates from a splendid gentleman.

"We loved him for his fine, conservative democracy, and for his sterling citizenship, and when he came to the end of his career as State Senator, no one could say that Walter Woodul had ever performed a selfish or questionable act.

"From the Senate, he was called to the office of Lieutenant Governor, and during the past four years, he has presided over the deliberations of the Senate with such a high degree of fairness, impartiality, and dignity, as to enable us to say that he has made a truly enviable record. I count myself lucky on being able to call him my friend, but this friendship meant nothing to him in the discharge of his official duties. He has given me and every Member of this Senate absolute justice. His successor in the Senate is his very good friend, but this friend from his own home, got no more recognition than the Senator from the remotest portion of the State. In his rulings he has been honest and honorable, and animated by a desire to impartially discharge the duties of his important office. To every Member of this Senate he is a broad-minded, patriot public servant who has worked diligently for the welfare of his beloved State.

"At the end of his term of office I am sure he is happy in the realization of the fact that he has played well

his part and that he enjoys that comforting satisfaction which results when duty is well performed.

"Walter Woodul is a sound, conservative lawyer. I thought he would make a splendid Attorney General, and it seemed to me that the people made a mistake when they failed to avail themselves of his services. But, the private ranks of the legal profession of this State will be enriched by his return to the practice of law, and I am sure that his official service will broaden his scope of usefulness as a lawyer.

"Of course, we regret to see Governor Woodul lay down the mantle of authority, but this regret is not nearly so poignant as the emotion we feel when we realize that Mrs. Woodul—the real brains of the Woodul family—is to be with us no longer. Her good common sense, her grace and her charm have endeared her to every Member of this Senate. When we appraise her real worth and appreciate her unusual type of womanhood, we conclude that she, too, has been an inspiration, and that along with her husband, she has been of invaluable service to this State. It is our sincere hope that Governor and Mrs. Woodul will not abruptly terminate their association with the Senate, but that they will linger a while in Austin, so that we may have the benefit of their counsel and their charm during this session of the Legislature.

"Realizing that Governor Woodul's tenure of office will terminate tomorrow, and on behalf of each Member of the Senate, I wish to say that we are grateful for having been permitted to serve the people of this State under such sincere, honorable, and unselfish leadership, and to express the hope that the future prosperity and happiness of the Woodul family may be of that bountiful portion and in the wholesome fashion that is commensurate with the distinguished official service that is now drawing to a close."

On motion of Senator Redditt, it was ordered that the address of Senator Small be printed in the Journal.

Consideration of Senate Bill 47

Senator Moore moved the rule relating to the consideration of bills by the Senate and its committees during the earlier days of the Regu-

lar Session of the Legislature be suspended to permit consideration in committee and by the Senate of S. B. No. 47.

The motion prevailed by the following vote:

Yeas—26

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten	Martin
Hardin	Stone
Head	of Washington

Report of Standing Committee

Senator Pace, by unanimous consent, submitted the following report:

Committee Room,
Austin, Texas,
January 16, 1939.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 47, A bill to be entitled "An Act validating the creation of and certain proceedings, notices and orders relative to the creation of and issuance of bonds by Harris County Drainage District No. 14, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Senate Bill 47 on Second Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 47 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote:

Yeas—26

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten	Martin
Hardin	Stone
Head	of Washington

On motion of Senator Moore and by unanimous consent, Senate Rules 31a and 48 were suspended severally to permit consideration of S. B. No. 47 at this time.

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

Senate Bill 47 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 47 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten	Martin
Hardin	Stone
Head	of Washington

The President laid the bill before the Senate, it was read third time and was passed by the following vote:

Yeas—26

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten	Martin
Hardin	Stone
Head	of Washington

Resolutions Signed

The President signed in the presence of the Senate, after giving due

notice thereof, the following enrolled resolutions:

H. C. R. No. 1, Setting the pay of Members of the Regular Session of the Forty-sixth Legislature.

H. C. R. No. 3, Providing for a joint session of the House of Representatives and the Senate at 3 p. m. Thursday, January 12, 1939, for the purpose of counting the votes and certifying the election of the Governor and the Lieutenant Governor.

H. C. R. No. 11, Authorizing adjournment of the House and Senate from January 12, 1939, to January 16, 1939.

Adjournment

On motion of Senator Lemens, the Senate, at 11:10 o'clock a. m., adjourned until 9:00 o'clock a. m. tomorrow.

In Memory of Hon. John L. Darrouzet

(H. C. R. 5, by Mr. Thornton)

The President laid before the Senate the following resolution:

Whereas, In the deeply deplored passing of John L. Darrouzet on June 4th. within a short span of time, Galveston, Texas, was again called upon to surrender another of its most beloved and highly regarded citizens to the imperious summons of death; who answered that last summons of the Grim Reaper as gallantly and as preparedly as he has always answered every call in life; and

Whereas, In the State which proudly claims John L. Darrouzet as its own, a deep void has been left in the hearts of all who loved and honored him for his great gifts of mind and heart, manifest to all who knew him; who gave unstintingly to every needy cause, who made great and valuable contributions to his State and his community, who denied his contributions and benefactions to no worthy enterprise, whose entire career as a citizen of Texas is eminently worthy of emulation; and

Whereas, John L. Darrouzet leaves behind him a record highly deserving of retrospection. Born in Galveston on the fourth day of September, 1877, the son of Jacques and Marie Darrouzet; he received his early education at St. Mary's University in Galveston, was admitted to the Bar of Texas in 1900, received his Master of Arts Degree from St. Mary's University in 1910, and was honored with a Degree of Doctor of Laws from St. Edwards University of Austin in 1932; called throughout the State "the Black Eagle of the Gulf," and known throughout the country for his political and patriotic activities; and

Whereas, By his innumerable good deeds, John L. Darrouzet shall enjoy the immortality that is imperishable; and

Whereas, In his will, a eulogy to his mother and his wife and a patrimony written for the guidance of his sons, John L. Darrouzet declared:

"I owe the world a debt. Folks have been good to me. All I can say is that I have been on the square, fought the fight when I thought it was right to do so. I may at some time hurt the feelings of some people. I trust they have forgotten it; I never held a grudge in my life. To the world and its people, I entrust my boys, and I hope that they will be as good to the boys as they have been to me; I trust that they will make as good citizens as there are anywhere."

Whereas, The contributions of John L. Darrouzet to both community and State shall ever keep his memory green and have merited him the highest honor and ovation this State can pay; now therefore, be it

Resolved, By the members of the Senate and the House of Representatives concurring, to acknowledge the loss of his inspiring presence and his splendid record before the Bar of Texas, and that a copy of this resolution be spread on the memorial pages of the Senate and House Journal of the day, to designate the love and esteem in which was held this great and good soul and letting this serve as an acknowledgement of the debt Texas owes, and the tribute Texas pays, to a true son of the people; and also be it further

Resolved, That the Secretary of the Senate, and the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution under their respective seals, and that when the Senate and House adjourn today, they do so in silent tribute to a man whose name shall live long in the consciousness of his State, and in the affections of his friends and sorrowing family.

The resolution was read, and by unanimous consent it was considered at this time, and was adopted unanimously by a rising vote.

In Memory of Hon. Maco Stewart

(S. R. 13)

Senator Stone of Galveston offered the following resolution:

Whereas, The Senate has learned with regret of the death of Maco Stewart on Monday, December 26, 1938; and

Whereas, Maco Stewart was an honored and valuable citizen to the City of Galveston and the State of Texas, and his death is recognized as a distinct loss to our State; and

Whereas, Maco Stewart was born in Galveston on the twentieth day of November, 1871, the son of Judge William H. and Mary Waller Minor Stewart, was educated in the Galveston public schools, read law in the office of his father, and was admitted to the bar in 1890. He maintained offices in Galveston, Houston, Dallas, and San Antonio, and was president of the Stewart Title Guaranty Company; and

Whereas, Maco Stewart, member of a pioneer Texas family, rendered notable service during his lifetime as a lawyer and civic benefactor; now, therefore, be it

Resolved, That we deeply regret the untimely passing of this noted leader and extend our sincere sympathy to his bereaved family; and be it further

Resolved, That a copy of this Resolution be spread upon the Senate Journal of today in memory of the deceased and when the Senate adjourns today it do so in respect and in memory of Maco Stewart; and be it further

Resolved, That the Secretary of the Senate be instructed to forward a copy of this Resolution to the family of Maco Stewart.

STONE of Galveston.

(Signed) Woodul, Lieutenant Governor; Aikin, Beck, Brownlee, Burns, Collie, Cotten, Graves, Hardin, Head, Hill, Isbell, Kelley, Lanning, Lemens, Martin, Metcalfe, Moffett, Moore, Nelson, Pace, Redditt, Roberts, Shivers, Small, Spears, Stone of Galveston, Stone of Washington, Sulak, Van Zandt, Weinert, Winfield.

The resolution was read.

On motion of Senator Collie, the names of all Senators and the Lieutenant Governor were added to the resolution as signers thereof.

The resolution was adopted unanimously by a rising vote.